

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists

March 26, 2008

10:00 a.m.

A regular meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted, Wednesday, March 26, 2008 at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Members Present

Cheryl Bentley, Board Chair
Jane Faith, Secretary
Karen Gilliam
Cynthia K. Matthews
Rita L. Dillman
Leona Gilliam
Erin Eliassen

Occupations and Professions

Dana Hockensmith, Board Administrator
Gerald Hoppmann, Division Director
Wendy Satterly

Office of the Attorney General

Scott Porter, Board Attorney

Members Absent

Others in Attendance

Call to Order

Ms. Bentley called the meeting to order at 10:10 a.m.

Approval of Minutes

Ms. Matthews made a motion to approve the minutes from the January 30, 2008 meeting. Ms. K. Gilliam seconded the motion. The motion carried.

Approval of Financial Statement

Ms. Faith made a motion to approve the financial statement as submitted. Ms. K. Gilliam seconded the motion. The Motion carried.

Director's Report

Mr. Hoppmann, Director, presented correspondence from Ms. Virginia Woodward, Executive Director, Boards and Commissions, informing the Board of the commitment to the Board by the Office of the Governor, Boards and Commissions to work efficiently and expeditiously to fulfill Board appointments. Interested parties, including current Board Members whose term may soon expire, shall complete an application and resume and forward to Boards and Commissions.

Mr. Hoppmann, Director, presented a draft letter of the Board's objection to transferring fees from its reserves to the General Fund as proposed by the House. The total transfer of fees would be \$45,000: \$1,000 for FY 2008 and \$44,000 for FY 2009. Ms. Matthews made a motion to approve and send the letter to the appropriate parties. Ms. Faith seconded the motion. The motion carried.

New Business

The Attorney General's Office previously informed the Board that the Office of the Attorney General would be raising their rates to \$125 per hour. Jack Conway, Attorney General, presented a letter to the Board informing the Board of the decision that it would be more appropriate to use a staggered fee system for their work beginning in fiscal year 2009. As of July 1, they will start charging \$125.00 per hour for litigation work only. The Board will be charged \$100.00 per hour for other general legal services which would include preparation for and attendance of board meetings, telephone calls, correspondence and the drafting of regulations.

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Ms. Faith made a motion to approve travel and expenses for Ms. Bentley, Chair, to attend the Kentucky Dietetic Association Food & Nutrition Conference & Exhibit (KDA FNCE) annual meeting in Louisville on April 10, 2008. Ms. Bentley is scheduled to do a licensure update presentation on April 10, 2008 at the conference. Ms. K. Gilliam seconded the motion. Motion carried.

Discussion was held about ideas on how to clarify continuing education requirements and programs that have been approved by the Board and how to communicate the differentiation between the Board approved programs and the Commission on Dietetic Registration (CDR) approved programs. The following suggestions were discussed: include articles in the Currents (quarterly newsletter for members of the Kentucky Dietetic Association), post information on the website with a disclaimer, send information to all LDs and CNs via postal mail, and amend the regulation for further clarification.

The Board is considering opening 201 KAR 33:030 and 33:015 for regulatory changes. Ms. Bentley requested that all Board members review the regulations, particularly these two regulations, and prepare suggested changes so they can be considered at the next meeting on May 28, 2008. Ms. Bentley will announce at the KDA FNCE annual conference that the Board welcomes input from KDA and all LDs/CNs about recommended changes in the regulations. Ms. Bentley will encourage them to submit their suggestions so the Board can consider them while the regulations are being amended.

Old Business

An update was given on SB 158. It was introduced in the Senate February 14, 2008, passed out of Senate with Committee Substitute and received in the House March 11, 2008 and passed out of the Senate and received in the House March 26, 2008.

Ms. Eliassen presented a draft of some changes to be considered for 201 KAR 33:015 Application; approved programs. Ms. Eliassen will consider more changes and present another draft at the next meeting to be held May 28, 2008.

Correspondence to Dr. Geza Bruckner, PhD was presented stating that eligibility to become a Certified Nutritionist must continue to be based on the review of each application to ensure the individual has met the criteria for certification.

Correspondence to Ms. Beverly Lenahan, MS, RD, LD was presented stating that Continuing Professional Education guidelines from the Commission of Dietetic Registration (CDR) may or may not comply with Kentucky statutes and regulatory requirements for licensure and certification that the Board is required to implement. In some instances, continuing education activities that are acceptable to CDR for Professional Development will not be accepted as continuing education activities for Kentucky licensure. Reference should be made to 201 KAR 33:039.

Correspondence from Mr. Porter, Board Attorney, to Mr. William Stewart, Certified Trainer, was presented confirming the Board's findings that, as per KRS 310.070 (3), he is not in violation of the Kentucky laws governing dietitians and nutritionist, by being a Certified Fitness Instructor. Specifically, it was the Board's findings that the provision KRS Chapter 310, shall not be construed to affect any other person who provides nutritional or dietary advice or sells nutritional or dietary supplements provided the person does not use the title dietitian, licensed dietitian, or certified nutritionist. He would fall under the exemptions of KRS 310.070 (3) since he's not using any of these titles.

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Continuing Education Requests

Ms. K. Gilliam made a motion that the following continuing education program(s) and hours be **approved**:

- Davita Dietitian Reference Manual – Approved for 40 hours for Angela M. Briggs.
- Changes in the diabetes exchange booklet for 1.0 hour for Alissa Bryan.
- Intradialytic Parental Nutrition Support Intervention for High-risk Malnutrition in Chronic Kidney Disease for .5 hours for Jane K. Faith.
- Changes in the diabetes exchange booklet for 1.0 hour for Amy Fennel.
- March on Diabetes for 12.0 hours for Anna Jones.
- Changes in the diabetes exchange booklet for 1.0 hour for Anne Newberry.
- Gastroesophageal reflux what's new for 1.0 hour for Amy Parrish.
- Newborn screening & Metabolic diseases for 1.0 hour for Amy Parrish.
- Spring CDR meeting for 6.0 hours for Kara Pendegrass.
- The latest advances in diabetes management for 7.0 hours for Dustin J. Powell.
- Ontogeny of Suck/Swallow Rhythms for 1.0 hour for Teresa A. Ryzowicz.
- Changes in the diabetes exchange booklet for 1.0 hour for Suzanne Seeley.
- Hydration: Clinical Application in the elderly for 1.0 hour for Sharon Siegel.
- SYSCO Spring Seminar for 5.0 hours for SYSCO/Louisville Food Service.
- Changes in the diabetes exchange booklet for 1.0 hour for Cadelia Turpin.
- Insulin Pump Therapy: An Innovative Approach for Better Control for 1.0 hour for Leslie Williams.
- Rational & Strategies for the Initiation of Intensive Insulin Therapy for 1.0 hour for Leslie Williams.
- Highs and Lows in Diabetes for 1.0 hour for Leslie Williams.
- Changes in the diabetes exchange booklet for 1.0 hour for Rebecca Wright.

Included in the motion are **disapprovals** for the following:

- Case study: Heart transplant for 1.0 hour for Sharon Siegel.
- Rhabdomyolysis for 1.0 hour for Sharon Siegel.
- KY paid feeding assistant program for 7.0 hours for Wendy Young.

Ms. Matthews seconded the motion. The motion carried

Applications for Licensure

Ms. K. Gilliam made a motion to **approve** the following applications for licensure: Lisa Andrews, Jodi L. Floyd, Alice Jotautas, Lori Knarr, Barbara Lattin, Mary Schmidt, Samantha Stratton, and Monique N. Parris-Taylor.

Ms. Matthews seconded the motion. The motion carried.

Applications for Reinstatement

Ms. Eliassen made a motion to **approve** the following applications for reinstatement: Whitney Buchart, Tracey L. Cavallaro, Michelle Coker, Lisa Dix, Haven Henry, Susan Hill, Sandra Lucas, Kristie Mahl, Christopher Mohr, Dana O'Meallie, Karen Osborne, Kathy Reynolds, Beth Rice, Samantha Stratton and Patricia Wiser.

Included in the motion was to disapprove the following: Michelle Congleton, Jennifer Sams, Carol Stapleton and Sarah Blocher-Steiner. Ms. K. Gilliam seconded the motion. The motion carried.

Scheduled Meeting

The next meeting will be on Wednesday, May 28, 2008 beginning at 10:00 a.m. at the Division of Occupations and Professions located at 911 Leawood Drive, Frankfort, Kentucky.

Approval for Travel and Per Diem

Ms. Dillman made a motion to approve travel and per diem for today's meeting. Ms. L. Gilliam seconded the motion. The motion carried.

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Adjournment

Ms. Dillman made a motion that the meeting be adjourned. Ms. Matthews seconded the motion. The meeting was adjourned at 1:08 p.m.

Approved:

A handwritten signature in cursive script that reads "Cheryl Bentley".

Cheryl Bentley, Chairperson
Minutes Prepared by
Dana Hockensmith, Board Administrator
March 26, 2008